

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NOs: 13615 OF 2023 AND 13927 OF 2022



WRIT PETITION NO: 13615 OF 2023:

Between:

Motupalli Raghavulu, W/o.Motupalli Raju, Age: 54 years, Occ: Agriculture,
R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District, Andhra
Pradesh -534235

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Fisheries Department, 4th Block, Room No.188, Ground Floor, A.P.Secretariat Office, Velagapudi, Guntur District-522237.
2. The Commissioner of Fisheries, Government of Andhra Pradesh Poranki, Bunder Road, Vijayawada -521137.
3. The District Collector, West Godavari District at Eluru-534007
4. The Assistant Director of Fisheries, Bhimavaram, West Godavari District-534275
5. The Fisheries Development Officer, Akividu, West Godavari District-534235.
6. The Tahsildar, Akividu Mandal, Akividu, West Godavari District-534235
7. Balla Ramya Deepika, W/o.Balaram, Aged about 28 years, R/o.Kuppanapudi Village, Akividu Mandal, West Godavari District - 534235

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring inaction of the official Respondents in taking appropriate action against 7th Respondent, who is illegally digging aqua culture tank in Ac.2.98 cents in Sy.Nos.247/5, 6, 7, 8 and 9, 250/2, 3 and 5 of Kuppanapudi Village, Akividu Mandal, West Godavari District (i)without required permission and (ii) by closing the adjacent irrigation channels, which are the only irrigation source to cultivate Petitioner's adjacent lands i.e., Ac.0.52 cents in Sy.No.247/4 and Ac.0.72 cents in Sy.No.247/9, as illegal, unjust, arbitrary, discriminatory, irrational, without jurisdiction, and in violation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents (i) to stop unauthorized digging of aqua culture tank by the 7th Respondent and (ii) not to close the said adjacent irrigation channels.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the official Respondents to stop unauthorized digging of Aqua Culture Tank by the Unofficial Respondent in her agricultural land of Ac.2.98 cents in Sy.Nos.247/5, 6, 7, 8 and 9, 250/2, 3, and 10 of Kuppanapudi Village, Akividu Mandal, West Godavari District and not to close the adjacent irrigation channels, which are the only irrigation source to cultivate Petitioner's lands i.e., Ac.0.52 cents in Sy.No.247/4 and Ac.0.72 cents in Sy.No.247/9 of Kuppanapudi Village, Akividu Mandal, West Godavari District, pending disposal of WP 13615 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 01.06.2023, 16.06.2023, 07.07.2023, 08.09.2023, 18.07.2024, 31.07.2024 & 29.08.2024 made herein and upon hearing the arguments of Sri.Srinivas Bobbili, Advocate for the Petitioner, and of GP FOR FISHERIES for Respondent Nos.1, 2, 4 and 5 and of GP FOR REVENUE for Respondent Nos. 3 and 6.

WRIT PETITION NO: 13927 OF 2022:

Between:

1. Motupalli Venkata Satyanarayana Murthy, S/o. Motupalli Raju, Age 35 years, Occ. Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District.
2. Chelamalasetty Ramalakshmi, W/o. Ch.Venkateswara Rao, Age 39 years, Occ. Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District.
3. Motupalli Padmasri Venkata Lakshmi, D/o. Motupalli Raju, Age 37 years, Occ. Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District
4. M.Varalakshmi Devi, D/o.Motupalli Raju, Age.42 years, Occ. Agriculture, R/o.Kuppanapudi Village, Akividu Mandal, West Godavari District
5. Katreddy Bala Rajesh Krishna Prasad, S/o.K.Srinivasa Rao, Age. 30 years, Occ. Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District.
6. Katreddy Ramakrishna, S/o. K.Sitaramayya, Age. 37 years, Occ. Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District

7. Katreddy Venkata Srikanth, S/o. K.Sitaramayya, Age. 36 years, Occ. Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District
8. Basu Apparao, S/o.Narasimha Murthy, Age. 53 years, Occ. Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District
9. Nukala Ramadasu, S/o.Venkaiah, Age. 56 years, Occ.Agriculture, R/o. Kuppanapudi Village, Akividu Mandal, West Godavari District

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Fisheries Department, 4th Block, Room No.188, Ground Floor, A.P Secretariat Office, Velagapudi, Guntur District-522237.
2. The Commissioner of Fisheries, Government of Andhra Pradesh Poranki, Bunder Road, Vijayawada - 521137.
3. The District Collector, West Godavari District at Eluru-534007
4. The Assistant Director of Fisheries, Bhimavaram, West Godavari District-534275
5. The Assistant Director Fisheries, Eluru, West Godavari District at Eluru-534007
6. The Fisheries Development Officer, Kalla, West Godavari District-534237.
7. The Tahsildar, KallaMandal, Kalla, West Godavari District-534237
8. The Assistant Executive Engineer, Irrigation Department, Kalla, Kalla Mandal, West Godavari District-534237
9. Bandaru Mani, S/o.Satyannarayana, Occ. Agriculture, R/o.Kalla Village and Mandal, West Godavari District - 534237.
10. Bandaru Venkataraman, S/o. Venkata Naganna, Occ. Agriculture, R/o.Kalla Village and Mandal, West Godavari District - 534237.
11. Bandaru Venkatasubbaiah Naidu, S/o. VenkataSatyannarayana, Occ. Agriculture, R/o.Kalla Village and Mandal, West Godavari District - 534237.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in trying to close the irrigation drain (murugubodi) situated in Sy.No.10, 11, 12 and 14 of Kalla Village and Mandal, West Godavari District which is in existence for the last more than 100 years and which is being used by the petitioners for agricultural (pisciculture) operations, as illegal, unjust, arbitrary, discriminatory and violation of Articles 14, 19, 21 and 300 A of the Constitution of India and consequently direct the respondents not to close the said agricultural waste water drain.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to close the said agricultural waste water drain situated in Sy.No.10, 11, 12 and 14 of Kalla Village and Mandal, West Godavari District and ensure free flow of agricultural waste water through the said drain, pending disposal of WP No.13927 of 2022, on the file of the High Court.

Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dt.06.05.2022, 18.07.2024, 31.07.2024 & 29.08.2024 made herein and upon hearing the arguments of SRI SRINIVAS BOBBILI Advocate for the Petitioner, and of GP FOR FISHERIS for Respondent Nos.1,2,4 to 6 and of GP FOR REVENUE for the Respondent Nos.3 & 7 and of GP FOR IRRIGATION & CAD for the Respondent No.8, the Court made the following

ORDER:

For filing reply, list these matters after two weeks.

Interim order, if any existence, shall stand extended for two more weeks.

SD/- B.PRASAD RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. One CC to SRI.SRINIVAS BOBBILI Advocate [OPUC]
2. Two CCs to GP FOR FISHERIES, High Court of Andhra Pradesh.
[OUT]
3. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh.[OUT]
4. Two CCs to GP FOR IRRIGATION & CAD, High Court of Andhra Pradesh.[OUT]
5. One spare copy.

HIGH COURT

TRR, J

DATED:05.09.2024

NOTE: LIST THESE MATTERS AFTER TWO WEEKS

ORDER

WRIT PETITION NOs: 13615 OF 2023 AND 13927 OF 2022

INTERIM ORDER EXTENDED

